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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

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11 UNITED STATES OF AMERICA,) 2:14-cr-00062-HDM-GWF
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16)
vs.)
ENRIQUE MURILLO ZARATE,)
Petitioner/Defendant.)

)

17 On March 6, 2017, the defendant Enrique Murillo Zarate ("Zarate")
18 filed a motion for leave to file a late motion to vacate, set aside
19 or correct sentence pursuant to 28 U.S.C. § 2255. (ECF No. 49).
20 Zarate asserts that he was sentenced in October of 2015 and that while
21 drafting his § 2255 motion, he was placed in a secured housing unit
22 in August of 2016. Subsequently, Zarate states he was transferred to
23 Victorville for two weeks and then transferred to his present
24 location, Mendota, California. While Zarate was being transported he
25 learned that his legal papers had been destroyed by the U.S. Marshals
26 Service. Zarate learned this information on November 4, 2016. On
27 November 15, 2016, Zarate attempted to file a motion to file a late
28 § 2255 motion, but filed it in a different case, 2:14-cr-00098-JCM-

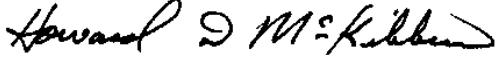
1 PAL. On February 9, 2017, Zarate again filed his motion in the
2 incorrect case, 2:14-cr-00098-JCM-PAL. Zarate thus argues that he was
3 prevented from timely filing his motion to vacate, set aside or
4 correct sentence pursuant to 28 U.S.C. § 2255.

5 The court ordered the government to file a response to Zarate's
6 motion on or before April 28, 2017. (ECF No. 50). No objection has
7 been filed to Zarate's motion for leave to file a late motion to
8 vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

9 Accordingly, Zarate's motion for leave to file a late motion to
10 vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255
11 (ECF No. 49) is granted. Zarate shall file his motion on or before
12 July 24, 2017. Zarate's request seeking the status of the court's
13 order of March 15, 2017 (ECF No. 52) is denied as moot.

14 IT IS SO ORDERED.

15 DATED: This 24th day of May, 2017.

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UNITED STATES DISTRICT JUDGE
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